

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|--------------|-------------------------------------|-------------|----------------|
| Applicant :  | Stephen Rawle                       | Art Unit :  | 3724           |
| Serial No. : | 10/798,112                          | Examiner :  | Hwei-Siu Payer |
| Filed :      | March 11, 2004                      | Conf. No. : | 5924           |
| Title :      | SHAVING RAZORS WITH MULTIPLE BLADES |             |                |

**Mail Stop Appeal Brief - Patents**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

REPLY BRIEF

Pursuant to 37 C.F.R. § 41.41, Appellant responds to the Examiner's Answer as follows.

At page 6, lines 10-12 of the Examiner's Answer, the Examiner newly asserts that "the number of blades in a razor unit is deemed to be an obvious matter of choice depending upon whether a closer shave (i.e. more blades) or less drag force (i.e. less blades) is preferred." Not only is this statement unsupported, it also demonstrates a basic misunderstanding regarding the challenges associated with designing a razor blade unit. Gilder '777 states that because of the drag forces associated with additional blades "no razors with blade units incorporating more than two blades have been successfully marketed to date." Gilder '777, col. 1, lines 24-31. The disclosure of Gilder '777 does not suggest that an amount of drag is a mere design choice, but instead suggests that providing a razor blade geometry that reduces drag to an acceptable level is a must in designing a razor blade unit. Gilder '777 also makes it clear that designing a razor blade with an acceptable amount of drag is not a trivial matter when increasing the number of blades. The Examiner admits that "Gilder '777 discloses a particular geometry for a three blade design that allows for acceptable drag forces while providing a closer shave." Examiner's Answer, page 5, line 21 – page 6, line 1. Because of the disclosed impact of drag forces, an artisan having ordinary skill in the art would not recognize the addition of two extra blades to a three-blade razor unit to "be an obvious matter of choice." Instead, the artisan would be discouraged from adding blades to a razor blade unit already including three blades, such as that disclosed by Gilder '777.

At page 6, lines 13-17 of the Examiner's Answer, the Examiner newly asserts that the disclosure of Coffin et al., U.S. Patent Application Publication No. 2004/0128835 ("Coffin"), serves as evidence that "any practical number of blades such as one, two , three, four or five

blades (see paragraph [0017]) can be used in a razor blade unit. Thus, to provide a practical number of blades, such as the claimed five, in the razor blade unit of Gilder '777 would have been obvious to one skilled in the art." (emphasis in original) This assertion is both incorrect and improper. The assertion is incorrect because Coffin is directed towards a "BIDIRECTIONAL SHAVING CARTRIDGE" where "the cutting edge of the blade of the first blade assembly generally faces the cutting edge of the blade of the second blade assembly to permit bidirectional shaving." Coffin, title & abstract. Accordingly, the drag forces for a Coffin style bidirectional shaving cartridge would not apply to the Gilder '777 shaving cartridge having all of the blades facing the same direction. Because an artisan having ordinary skill in the art would recognize this basic difference between the Gilder '777 razor blade unit and the Coffin shaving cartridge, the artisan would not find the disclosure of Coffin to suggest that having five blades on the razor blade unit of Gilder '777 would be practical. The assertion is also improper because Coffin was not used in any of the currently pending rejections.<sup>1</sup> Coffin is not being cited as merely evidence of a previously made well known statement, but is being cited as a reason that one having ordinary skill in the art would redesign the razor blade cartridge of Gilder '777 to have the claimed number of blades.

On page 7, lines 1-2 of the Examiner's Answer, the Examiner newly asserts that "using narrower blades in Gilder '777, the space between adjacent cutting edges increases." This assertion is incorrect. Although wider blades might effect the spacing between the rear of a first blade and the cutting edge of an adjacent blade, wider blades would not alter the spacing between the cutting edges of adjacent blades. Accordingly, this argument does not adequately address the argument set forth in the Appeal Brief filed 2/6/2008.

On page 7, lines 4-6 of the Examiner's Answer, the Examiner newly asserts that "the use of a narrower width for razor blades has the inherent advantage of reducing the material needed for the blades and thus [is] cost-effective." Although narrower blades would constitute less material, the Examiner's assertion that it would be more "cost-effective" is unsupported. Given the size of the blades, it is uncertain whether producing a blade with a smaller width would

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<sup>1</sup> Coffin was only cited as being "not relied upon" under the "Prior art Citations" heading on page 5 of the Office Action mailed 9/12/2007. The Office Action did not use Coffin in any rejection and, unlike the Examiner's Answer, did not assert that Coffin was evidence that it would be obvious to modify Gilder '777 to have five blades.

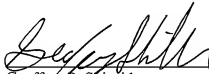
reduce the total manufacturing costs of the razor blade unit. For example, a smaller width might increase the cost associated with forming the blade and/or attaching the blade to the remainder of the razor blade cartridge. Gooding does not suggest that a razor blade with a narrower width results in a more cost effective blade unit. Accordingly, this new "cost-effective" argument would not have given one having ordinary skill in the art reason to make the asserted modification of Gilder '777.

For these reasons, and the reasons stated in the Appeal Brief, Appellant submits that the rejection should be reversed.

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Respectfully submitted,

Date: 5/12/08

  
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